

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ALEJANDRO L. VAZQUEZ,
Plaintiff,

vs.

UNIVERSITY OF TEXAS HEALTH
SCIENCE CENTER and DAVID F.
JOHNSON,
Defendants.

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CASE NO. _____

DEFENDANTS' NOTICE OF REMOVAL

NOW COME Defendants, The University of Texas Health Science Center, and David F. Johnson, and respectfully shows that:

1. **Removal Provision:** This removal is based on claims arising under federal law, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. Plaintiff Vazquez asserts federal claims under Section 504 of the Rehabilitation Act; Title VII of the Civil Rights Act of 1964 and the Family Medical Leave Act ("FMLA"). *See* Plaintiff's Original Petition, at ¶¶ 21-23; ¶¶ 30-35, and 37-42. *See* 29 U.S.C. § 794(a); 42 U.S.C. § 2000e; and 29 U.S.C. § 2615.

2. **State Action:** This action was initially filed in the 55th Judicial District Court of Harris County, Texas, on April 7, 2023, in Cause No. 2023-22383. Plaintiff is Alejandro L. Vazquez. Defendants are The University of Texas Health Science Center ("UTHSC") and David F. Johnson ("Johnson"). Defendants have been served with this lawsuit. Defendants, UTHSC and Johnson, filed their Answer and Affirmative Defenses in state court on June 26, 2023. Venue is proper in the United States District Court for the Southern District of Texas, Houston Division.

3. **Nature of the Lawsuit:** Plaintiff alleges he was discriminated and retaliated against for taking FMLA and subsequently terminated. He specifically alleges the following causes of action against UTHSC: disability discrimination and retaliation under Chapter 21 of the Texas Labor Code (“Chapter 21”) and Rehabilitation Act of 1973; and race/national origin discrimination under Title VII and Chapter 21. Plaintiff alleges retaliation against Johnson under the self-care provision of FMLA. *See* Plaintiff’s Original Petition.

4. **Jury Demand:** Plaintiff requested a trial by jury in his Original Petition.

5. **Removal Requirements of 28 U.S.C. § 1441:** This action is a civil action raising a federal question of which this Court has original jurisdiction. *See* 28 U.S.C. § 1441(a). Specifically, this Court has federal question jurisdiction over Plaintiff’s federal claims under 28 U.S.C. § 1331, and this Court has supplemental jurisdiction of Plaintiff’s state claims under 28 U.S.C. § 1367.

6. **Compliance with Deadline:** Defendants, The University of Texas Health Science Center and Johnson, were served with the Original Petition on June 5, 2023. Defendants file this notice of removal within the 30-day time required by 28 U.S.C. § 1446(b)(1). *See Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007). Therefore, this removal is timely. Defendants UTHSC and Johnson filed their Answer and Affirmative Defenses in state court on June 26, 2023.

8. **State Court Pleadings:** Defendant is filing concurrently with this notice, as required by Local Rules and 28 U.S.C. § 1446(a), a true and correct copy of all process and pleadings served upon Defendants UTHSC and Johnson in this state court action.

ACCORDINGLY, Defendants, The University of Texas Health Science Center and David F. Johnson, pray that this cause be removed to the United States District Court Southern District of Texas, Houston Division, pursuant to 28 U.S.C. § 1441(a).

Respectfully submitted.

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/s/ Kirstin M. Erickson

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COUNSEL FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on all counsel of record on June 29, 2023, via the court's electronic filing system.

/s/ Kirstin M. Erickson

KIRSTIN M. ERICKSON